

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TREVOR LEWIS,

Plaintiff,

v.

**9:12-CV-1237
(FJS/DEP)**

**SGT. SENIO, Binghamton Police Department;
T.A. BRADY, Investigator, Binghamton Police Department;
P. DEANGELO, Investigator, Binghamton Police Department;
KITTLE, Detective, Binghamton Police Department;
BRENNER, Detective, Binghamton Police Department;
GAZDIK, Patrolman, Binghamton Police Department;
PAVELSKI, Patrolman, Binghamton Police Department;
and DEMER, Patrolman, Binghamton Police Department,**

Defendants.

APPEARANCES

OF COUNSEL

TREVOR LEWIS,
Broome County Correctional Facility
P. O. Box 2047
Binghamton, New York 13902-2047
Plaintiff *pro se*

**CITY OF BINGHAMTON
CORPORATION COUNSEL**
City Hall
38 Hawley Street
Binghamton, New York 13901
Attorneys for Defendants Brady, DeAngelo,
Demer, Ganzdik, Paveski, and Senio

BRIAN M. SEACHRIST, ESQ.

**OFFICE OF BROOME COUNTY
ATTORNEY**
44 Hawley Street
P. O. Box 1766
Binghamton, New York 13902-1766
Attorneys for Defendant Kittle

JENNIFER L. KATZ, ESQ.

GOLDBERG, SEGALLA LLP

5786 Widewaters Parkway

Syracuse, New York 13214

Attorneys for Defendant Brenner

SANDRA J. SABOURIN, ESQ.

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Peebles' July 17, 2013 Report and Recommendation in which he recommended that the Court dismiss Plaintiff's complaint and deny the pending motion to dismiss, *see* Docket No. 19, as moot. The parties did not file any objections to these recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Peebles' July 17, 2013 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Peebles' July 17, 2013 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

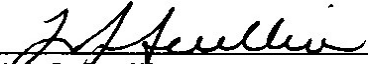
ORDERS that Plaintiff's complaint is dismissed in its entirety; and the Court further

ORDERS that Defendants' motion to dismiss is **DENIED** as moot; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: August 14, 2013
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge